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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/460,007	12/13/99	HARPER, JR.	D BERG-2462/C

MMC2/1206

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EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 12/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/460,007

Applicant(s)
Harper, Jr

Examiner
Truc Nguyen

Group Art Unit
2833



☒ Responsive to communication(s) filed on amendment of 10/4/00 and CPA requested on 11/13/00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1, 4-8, 10-16, 19, and 20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 4-8, 10-16, 19, and 20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 11/13/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/460,007 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-7 and 16-18 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which was not disclosed in the specification that "each of the area of reduced rigidity comprising one of a notch and a slot" as claimed in claim 1. This is unclear. The examiner interprets this as "each of the areas of reduced rigidity comprising either a notch or a slot" as disclosed by the applicant in the present application, page 7, second paragraph.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1, 4-8, 16 and 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "the peripheral wall" in line 4. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 1 recites the limitation "the distal end" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, the recitation of "reduced rigidity" in line 5 is confused whether the applicant mean to recited "reduced rigidity" in line 4.

8. Claim 8 recites the limitation "the frame" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

10. Claims 1, 4-8, 10-16 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor et al (US 5,876,219).

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Regarding claims 1, 4-8, 10-11, 16, 19-21, Taylor et al disclose an electrical connector comprising:

a rectangular dielectric material housing (10);

a plurality of solder balls (48) surface mount contacts;

each of the areas (17) of reduce rigidity on a peripheral wall (13) of the frame of the housing which are located at position furthest or at a corner of the housing from a neutral point of the connector and comprises either a notch (17) or a slot (60) and extending through a distal end of the peripheral wall, wherein the areas of reduced rigidity are disposed to absorb stress and accommodate warp.

Regarding claims 12-15, Taylor et al disclose a method of reducing rigidity in a housing of an electrical connector, comprising:

determining a location on said housing which may build up stress; and

removing a portion (17) of the housing (10) at said location, wherein the position is located to absorb stress and accommodate warp and is one of a slot (60) and a notch (17).

Response to Arguments

11. Applicant's arguments filed on June 1, 2000 have been fully considered but they are not persuasive.

Regarding applicant's argument:

(1) "*Taylor et al discloses peripheral walls 15 with portion of reduced thickness. The area of reduced thickness 17 do not extend through the distal end of the wall...moreover, the*

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areas of reduced thickness provide alignment in combination with surface 18, 19 during mating connector."

(2) Taylor et al discloses peripheral walls 15 with portion of reduced thickness. The area of reduced thickness 17 are not providing the frame only at the position generally furthest from a neutral point of the connector."

(3) "the reduce thickness 17 of Taylor et al is not intended for avoiding stress build up in the housing. Taylor et al merely discloses peripheral walls with portion or reduced thickness that are used for alignment.

The examiner respectfully disagrees.

Regarding (1), Taylor et al clearly disclose the slot (17) is extending through the distal end of the peripheral wall (13). The applicant has never defined where is the distal end of the wall. The examiner interprets that the distal end of the peripheral wall is the edge that is aligned with the surface of the base portion (12).

Regarding (2) and (3), Taylor et al substantially disclose the structure of the claimed invention. Although Taylor et al's slot is not intended for reducing stress in the connector housing. However, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. *Ex Parte Masham, 2 USPQ2d 1647 (1987).*

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Nguyen whose telephone number is (703) 306-4004. The examiner can normally be reached on Monday through Thursday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Austin Bradley, can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

T. Nguyen - November 30, 2000.

P. Bradley